

House File 2387 - Introduced

HOUSE FILE _____
BY MERTZ

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the use of automated traffic enforcement
2 systems by cities, authorizing civil penalties, and providing
3 an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TL5B 6065YH 82
6 md/nh/8

PAG LIN

1 1 Section 1. Section 364.22, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 2A. A city by ordinance may do all of the
1 4 following:
1 5 a. Authorize the use of automated traffic enforcement
1 6 systems to detect violations of vehicle speed ordinances and
1 7 official traffic control signal ordinances, which constitute
1 8 municipal infractions pursuant to subsection 2. For the
1 9 purposes of this subsection, "automated traffic enforcement
1 10 system" means a system that uses a machine to automatically
1 11 detect vehicle ordinance violations and simultaneously record
1 12 an image of the vehicle used in committing the violation.
1 13 b. Provide that civil citations for violations detected
1 14 using an automated traffic enforcement system may be issued to
1 15 the registered owner of the vehicle identified in the recorded
1 16 image. The notice requirements of subsection 4 shall not
1 17 apply to citations issued under this subsection. Citations
1 18 may be charged and collected upon a simple notice of a civil
1 19 penalty payable to the city clerk, if authorized by an
1 20 ordinance. Notice of the citation shall be mailed or
1 21 personally delivered to the registered owner of the vehicle at
1 22 the registered owner's last known address. The citation shall
1 23 serve as notification that a municipal infraction has been
1 24 committed and shall contain the following information:
1 25 (1) The name and last known address of the vehicle's
1 26 registered owner.
1 27 (2) The name or description of the infraction.
1 28 (3) The location and time of the infraction.
1 29 (4) The amount of civil penalty to be assessed.
1 30 (5) The manner, location, and time in which the penalty
1 31 may be paid.
1 32 (6) The time and place of any municipal infraction
1 33 proceeding.
1 34 c. Provide that all civil penalties collected by a city as
1 35 a result of a citation issued following detection by an
2 1 automated traffic enforcement system shall be retained by the
2 2 city.
2 3 d. Provide that notwithstanding subsection 5, paragraph
2 4 "b", in cases where a municipal infraction proceeding is
2 5 necessary, the city shall have the burden of proof that the
2 6 municipal infraction occurred and that the defendant is a
2 7 registered owner of the vehicle identified in the recorded
2 8 image. The proof shall be by clear, satisfactory, and
2 9 convincing evidence. Proof of registered ownership shall be
2 10 by vehicle registration records.
2 11 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
2 12 immediate importance, takes effect upon enactment.
2 13 EXPLANATION
2 14 This bill authorizes cities to enact ordinances to use
2 15 automated traffic enforcement systems to detect violations of
2 16 vehicle speed ordinances and official traffic control signal
2 17 ordinances which constitute municipal infractions. The bill
2 18 provides that civil citations may be issued to the registered
2 19 owner of a vehicle identified in an image recorded by the

2 20 automated traffic enforcement system. The bill allows
2 21 citations issued by the city to be charged and collected upon
2 22 a simple notice of a civil penalty payable to the city clerk.
2 23 The bill requires notice of the citation to be mailed or
2 24 personally delivered to the registered owner of the vehicle at
2 25 the registered owner's last known address.

2 26 The bill provides that in cases where a municipal
2 27 infraction proceeding is necessary, the city has the burden of
2 28 proof that the municipal infraction occurred and that the
2 29 defendant is a registered owner of the vehicle identified in
2 30 the recorded image.

2 31 The bill permits cities to retain all civil penalties
2 32 collected as a result of citations issued following detection
2 33 by an automated traffic enforcement system.

2 34 The bill takes effect upon enactment.

2 35 LSB 6065YH 82

3 1 md/nh/8